

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
	:	
SUSAN BORST	:	CASE NO. 5:19-bk-3946-RNO
	:	
Debtor	:	

**OBJECTION OF CARBON COUNTY TAX CLAIM BUREAU  
TO CONFIRMATION OF DEBTOR'S SECOND AMENDED  
CHAPTER 13 PLAN**

**NOW COMES** the Carbon County Tax Claim Bureau (hereinafter, the "Bureau"), by and through its attorney, Robert S. Frycklund, Esquire, and objects to the proposed confirmation of Debtor's Second Amended Chapter 13 Plan (hereinafter, the "Second Amended Plan") submitted by the Debtor, Susan Borst (hereinafter, "Debtor"), in the above-referenced bankruptcy case for the following reasons:

1. The Bureau has a secured tax claim pursuant to 11 U.S.C. § 507(a)(8) for delinquent real estate taxes for the years 2016 through 2019.

2. On February 9, 2020, the Bureau timely filed its proof of claim for the Bureau's secured claim for delinquent real estate taxes, which was filed on February 9, 2020 and reflected as Claim No. 9 in the claims register, in the amount of Nineteen Thousand Six Hundred Seventy-Nine Dollars and Fifty-One Cents (\$19,679.51) in Debtor's above-captioned Chapter 13 bankruptcy case.

3. The Bureau hereby objects to Debtor's Second Amended Plan since the said Second Amended Plan makes no reference to the Bureau's

secured claim for delinquent real estate taxes, and fails to otherwise provide for Debtor's payment of that claim either within or outside of the Chapter 13 Second Amended Plan.

4. Paragraph 1.B.2. of the Second Amended Plan states as follows:

In addition to the above specified plan payments, Debtors [sic] *intend* to sell the property know [sic] and designated as 621 Blose Street, Palmerton, PA 18071. All sales shall be completed by November 30, 2020. If the property does not sell by the date specified, the Debtor shall *either* amend the Plan to afford additional time *or shall amend the Plan to become current with the Plan payments.*

Upon sale, the Debtor shall pay all liens and encumbrances as well as administrative expenses associated with the sale. Upon sale, Debtor shall pay to the trustee any funds necessary to fully fund the Plan and pay 100% of all allowed unsecured claims.

*(Italics added for emphasis.)*

5. By reference to the said Paragraph 1.B.2., in the very probable and foreseeable event that the subject property is not sold by November 30, 2020, the availability of the Debtor's option to select latter alternative (i.e. "amend the Plan to become current with the Plan payments") would exclude the Bureau's claim altogether, since it is not presently included in the Second Amended Plan payments.

6. Additionally, the Second Amended Plan fails to specify the Debtor's minimum acceptable sale price for the subject property and/or to otherwise provide for the satisfaction of the Bureau's and other creditors' claims in the event that the Debtor accepts an offer from which the net sale proceeds are insufficient to "pay all liens and encumbrances as well as administrative expenses associated with the sale... [and] to fully fund the Plan and pay 100% of all allowed unsecured claims."

7. By omitting the Bureau's allowed claim, the Debtor's Second

Amended Plan violates the standards of 11 U.S.C. § 1325(a)(5) because it seeks to pay the Bureau less than the allowed amount of its claim, and seeks to alter the rights of the Bureau post-confirmation.

8. The within Objection is made in accordance with the applicable Federal Rules of Bankruptcy Procedure.

**WHEREFORE**, the Carbon County Tax Claim Bureau requests that this Honorable Court deny confirmation of Debtor's Second Amended Chapter 13 Plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Frycklund', written over a horizontal line.

ROBERT S. FRYCKLUND, ESQUIRE

Atty. I.D. No. 82921

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**Attorney for: Carbon County  
Tax Claim Bureau**

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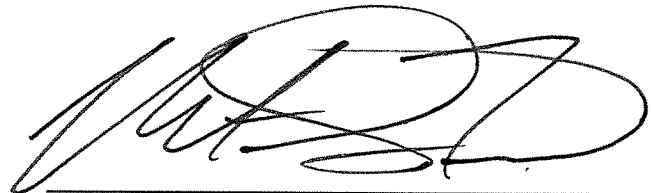
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CERTIFICATE OF SERVICE

I, Robert S. Frycklund, Esquire, attorney for the Carbon County Tax Claim Bureau, hereby certify that I served a true and correct copy of the Objection of Carbon County Tax Claim Bureau to Confirmation of Debtor's Second Amended Chapter 13 Plan upon Debtor by mailing a copy thereof via First Class Mail, postage prepaid, to the following:

Patrick J. Best, Esquire  
ARM Lawyers  
18 N. 8<sup>th</sup> Street  
Stroudsburg, PA 18360

Date: 3/16/2020



ROBERT S. FRYCKLUND, ESQUIRE

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	:	
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**ORDER**

Upon consideration of the Objection of Carbon County Tax Claim Bureau to Confirmation of Debtor's Second Amended Chapter 13 Plan, it is hereby ORDERED and DECREED that confirmation of Debtor's Second Amended Chapter 13 Plan is DENIED.

BY THE COURT:

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ROBERT N. OPEL, JUDGE